

From: [Anders, Angela D](#)
To: [Hansen, Craig](#)
Cc: [Becker, Scott A](#); [Broderdorp, Kurt](#); [Alt, Nicole](#); [Nystedt, John](#); [Hedwall, Shaula](#); [Fugate, Mary](#); [Lamb, Mark A](#); [Whitlaw, Heather](#); [Melbiess, Tracy](#); [Dwire, Maggie](#); [McGee, Brady](#); [Sartorius, Shawn S](#); [Foster, Westley P](#); [Forbus, Beth](#); [Willey, Seth](#); [Polk, Jonna E](#)
Subject: FW: CROSS-REGIONAL CONCURRENCE REQUEST | Proposed section 10(j) rule for Colorado gray wolf
Date: Thursday, October 27, 2022 7:54:44 AM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[20221018_IM_CO_Wolf_10j_v3_AESOcomm221026v2.docx](#)

Hi Craig,

John Nystedt, our Tribal Liaison in the Arizona ESFO, has provided comments on the draft proposed 10(j) rule for gray wolf in Colorado in the following email and attached document. John is cc'd here; please feel free to reach out to him directly with any questions.

Tracy Melbiess in our Mexican Wolf Recovery Program is also reviewing the draft proposed 10(j) rule; I anticipate getting her comments to you later today.

Thanks much,
Angela

Angela D. Anders, Ph.D.

Regional Recovery Program Coordinator
Supervisor, Branch of Recovery and Restoration
Ecological Services, Southwest Regional Office
U.S. Fish and Wildlife Service
Albuquerque, NM
Mobile: (505) 218-3367

From: Nystedt, John <john_nystedt@fws.gov>
Sent: Wednesday, October 26, 2022 9:19 PM
To: Anders, Angela D <angela_anders@fws.gov>
Cc: Whitlaw, Heather <Heather_Whitlaw@fws.gov>; Lamb, Mark A <mark_lamb@fws.gov>; Fugate, Mary <mary_fugate@fws.gov>; Hedwall, Shaula <shaula_hedwall@fws.gov>; Foster, Westley P <westley_foster@fws.gov>; McGee, Brady <brady_mcgee@fws.gov>
Subject: Re: CROSS-REGIONAL CONCURRENCE REQUEST | Proposed section 10(j) rule for Colorado gray wolf

Angela,

For your consideration, attached is the info memo with some tribal specific edits and comments, and below are a couple comments about the draft rule.

We recommend adding a sub-section, in the Required Determinations section, entitled “Government-to-Government Relations with Tribes,” which would include a description of our obligation to consult with tribes on our actions that affect them, with citations, a description of our outreach to date and our plans to coordinate and offer consultation to all affected tribes. Below for your consideration and use as a guide is text from another proposed 10(j) rule.

Government-to-Government Relationships With Tribes

In accordance with the Executive Memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951, May 4, 1994), E.O. 13175 (65 FR 67249, November 9, 2000), and the Department of the Interior Manual Chapter 512 DM 2, we have considered possible effects of the proposed revision on federally recognized Indian Tribes. We determined that the proposed SWEPA overlaps or is adjacent to Tribal lands. Potential reintroduction sites identified in this revision, the CO Bar Ranch and Petrified Forest National Park, are near or adjacent to Tribal lands, as is the existing AVEPA where a reintroduced ferret population exists. We offered government-to-government consultation to nine Tribes: The Havasupai, Hopi, Hualapai, San Carlos Apache, San Juan-Southern Paiute, White Mountain Apache, and Yavapai-Prescott Tribes, Navajo Nation, and the Pueblo of Zuni. We met with the Hualapai, Hopi, and White Mountain Apache Tribes and the Navajo Nation about the proposed revision. Participation in ferret recovery is voluntary. If suitable habitat for ferret recovery is available on their lands, Tribes may choose either not to participate, or to participate through authorities under section 10(j), section 10(a)(1)(A), or the SHA (USFWS 2013b, entire). If we introduce ferrets on non-Tribal lands adjacent to Tribal lands and they disperse onto Tribal lands, the aforementioned authorities will provide a more relaxed, flexible regulatory situation under the ESA through allowances for incidental take.

We also recommend including an explanation about how our action is consistent with Secretarial Order 3206, specifically Principle 1, which says we recognize tribes are governmental sovereigns with inherent power to manage and control their natural resources; and Principle 2, which says tribes manage Indian lands in accordance with tribal goals and objectives within the framework of applicable laws. As an example, for your consideration, in AZ tribes have expressed concern about how the Mexican wolf reintroduction affects their sovereignty and that their inherent sovereignty means they may manage any species, including reintroduced wolves that enter their lands, according to their goals and objectives. Some of the most active tribes in our coordination on the Mexican wolf are tribes outside the 10 (j) boundaries, where those wolves are fully protected under the Act. We anticipate tribes outside of Colorado may express similar concerns, express their sovereign rights and request consultation to discuss their concerns and sovereign authority to manage wildlife.

Please let me know if you have any questions or would like to discuss. I've got a few meetings in the morning, but have couple openings here and there.

Thanks to you and Seth for the opportunity to review!

From: Hansen, Craig <Craig_Hansen@fws.gov>

Sent: Friday, October 21, 2022 3:52 PM

To: Anders, Angela D <angela_anders@fws.gov>; Ragan, Laura <laura_ragan@fws.gov>; Erickson, Peter (Bjorn) <Peter_Erickson@fws.gov>; Hall, Sarah <sarah_hall@fws.gov>; McGee, Brady <brady_mcgee@fws.gov>

Cc: Becker, Scott A <scott_becker@fws.gov>; Broderdorp, Kurt <kurt_broderdorp@fws.gov>; Alt, Nicole <Nicole_Alt@fws.gov>; Hughes, John P <john_hughes@fws.gov>

Subject: [CROSS-REGIONAL CONCURRENCE REQUEST] FR00004962 | Proposed section 10(j) rule for Colorado gray wolf

[CROSS-REGIONAL CONCURRENCE REQUEST] FR00004962 | Proposed Colorado wolf 10(j)

Greetings, Recovery Colleagues in Regions 1, 2, 3, and 8:

The Colorado Field Office has prepared a proposed rule under section 10(j) of the Act for the State of Colorado's reintroduction of the federally endangered gray wolf (*Canis lupis*). We now request your cross-regional concurrence on this proposed 10(j) rule.

Unfortunately, this package is on an incredibly expedited timeline that is driven by the State of Colorado's voter-mandated reintroduction schedule, so we would greatly appreciate your review and concurrence **as soon as possible**. I shudder to even ask, but ideally we would hear back from you by the end of next week, **Friday October 28**.

- The rule is available on SharePoint here: [20221021_CO_gray_wolf_Prop_10j_v8.docx](#)
- If helpful, the rule's supporting documents are in this folder: [FR4962_20220920_CO_Wof_10j](#) or linked directly below:
 - IM: [20221018_IM_CO_Wolf_10j_v3.docx](#)
 - NTR: [20221018_NTR_CO_Wolf_10j_v2.docx](#)

Emailed concurrence from your leadership back to me by email would be totally acceptable.

We appreciate your time and attention to this package. Please do not hesitate to contact the team at any time. Thank you, thank you!

- Nicole Alt - Lead Project Leader
- Kurt Broderdorp - FO Package Lead
- Scott Becker - SME
- Craig Hansen - SAT Project Manager for this package

Sincerely,

Craig Hansen
Regional Recovery Coordinator

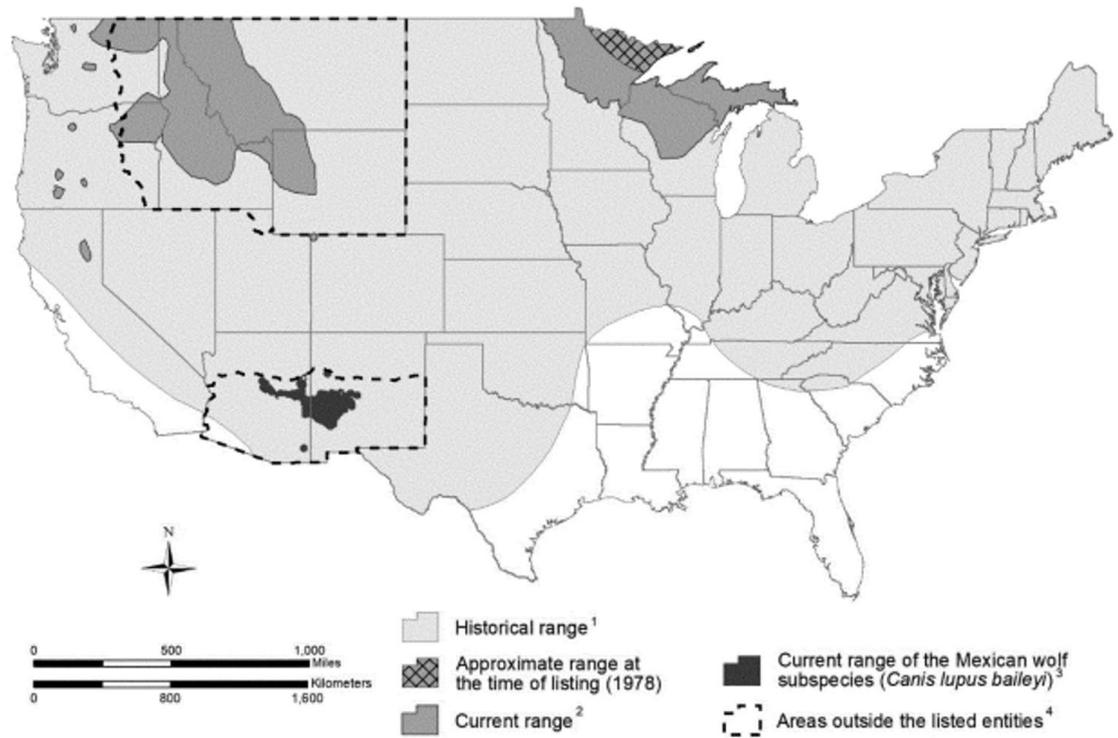


Figure 2. Historical range and current range (as of January 2020) of gray wolves (*Canis lupus*) in the lower 48 United States.

¹Based on Nowak (1995)

²Based on State data.

³United States portion of range only.

⁴NRM DPS and Mexican wolf nonessential experimental population area boundaries.



Craig Hansen

U.S. Fish & Wildlife Service, Region 6

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